

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

LAKISHA SIMMONS )  
 )  
v. ) NO. 3-11-0476  
 ) JUDGE CAMPBELL  
COUNTRYWIDE HOME LOANS, et al. )

ORDER

Plaintiff has filed a Petition for Writ of Mandamus to the Sixth Circuit (Case No. 12-6004), asking the appellate court to order this Court to rule on her Objection (Docket No. 112) filed in this case. The Court did not and cannot rule on Plaintiff's Objection because when Plaintiff filed her Notice of Appeal (Docket No. 109), this Court was divested of jurisdiction in this action.


The Court entered an Order on March 13, 2012, adopting and approving three Reports and Recommendations of the Magistrate Judge (Docket No. 99). That Order did not close this case and no Rule 58 Judgment was entered because the action is not concluded as to all parties. On March 29, 2012, Plaintiff filed a Motion for Extension of Time to File Objection (Docket No. 105). Before the Court ruled on that Motion, on April 20, 2012, Plaintiff filed a Notice of Appeal (Docket No. 109). After the case was appealed, Plaintiff filed her Objection (Docket No. 112) to the District Court's Order (Docket No. 99).

Therefore, the Court does not have jurisdiction to rule on any of Plaintiff's pending Motions or Plaintiff's Objection, because Plaintiff has taken an interlocutory appeal of the Court's March 13, 2012 Order. *Lewis v. Alexander*, 987 F.2d 392, 394 (6<sup>th</sup> Cir. 1993); *Dayton Independent School District v. U.S. Mineral Products Co.*, 906 F.2d 1059, 1064 (5<sup>th</sup> Cir. 1990).

Even if the Court had jurisdiction, however, nothing about Plaintiff's Objection changes the result previously found (Docket No. 99). *See Lewis*, 987 F.2d at 395.

The Clerk shall serve a copy of this Order upon the Clerk for the Sixth Circuit Court of Appeals as related to Case Nos. 12-5448 and 12-6004 in that court.

IT IS SO ORDERED.

  
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TODD J. CAMPBELL  
UNITED STATES DISTRICT JUDGE